IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE M. H. S. ANSARI

and
THE HON'BLE SRI JUSTICE T. CH. SURYA RAO

WRIT PETITION NO: 24943 of 2004

Between:

A. Venkat Reddy S/o A. Chenna Reddy,
R/o H. No. 42, High Court Colony, Vanasthalipuram, Ranga Reddy District

... PETITIONER

AND

1. The Assistant Secretary, Regional Transport Authority,
Hyderabad - East Zone.
2. Motor Vehicles Inspector, Ibrahimpatnam, Ranga Reddy District,
Office at Karmanghat, Hyderabad.
3 . Station House Officer, Hayathnagar P.S.
Hayathnagar, Ranga Reddy District

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ order or direction, preferably one in the nature of Writ of Mandamus, declaring the impugned show cause notice of the 1st respondent vide No. 6478/B4/HE/2004, dt.16-12-2004 as illegal, arbitrary and contrary to law and consequently direct the respondents herein to release the petitioner's Tata Mobile Van Bearing Registration No. AP 11/B.6106 which was seized pursuant to the Vehicle Check Report No. 0533380, dt.27-11-2004 of the 2nd respondent, to the petitioner herein forthwith, by accepting the life tax of Rs.4,060/- in respect of the said vehicle.

Counsel for the Petitioner: MR. J. KANAKAIAH

Counsel for the Respondents: GP FOR TRANSPORT

Counsel for the Respondent No.3:

The Court at the admission stage made the following:

ORDER:(per Hon'ble Sri Justice M.H.S.Ansari)

Having heard learned Counsel for the respective parties we are inclined to dispose of the instant writ petition at this stage with certain appropriate directions.

2. Petitioner has been issued a show cause notice for the violations pursuant to the vehicle check report dated 27-11-2004 whereby the vehicle of the petitioner was seized under Section 8 of the A.P. Motor Vehicles Taxation Act and Section 207 of the Motor Vehicles Act. Petitioner has submitted his reply to the said show cause notice.

3. The grievance of the petitioner is that the vehicle in question has not been released nor even interim custody thereof has been given to the petitioner.

4. We find from the show cause notice that tax penalty and compounding fee has been proposed to be levied. As the respondent-authority is competent to adjudicate upon such matters we are not inclined to consider either the legality or validity of the show cause notice. Suffice it to state that it is within the competence of the authority that issued the show cause notice to consider the objections filed thereto by the petitioner. Accordingly, enquiry shall proceed in accordance with law.

5. Pending disposal of the said enquiry it is directed that if the petitioner deposits tax amounting to Rs.12,610-00 + Rs.3,300-00 towards compounding fee, interim custody of the vehicle shall be given to the petitioner.

6. In addition to the payment as directed above the petitioner shall also file an undertaking before the 1st respondent that the petitioner shall not sell, transfer, encumber or otherwise create any charge on the vehicle in question and shall produce the same whenever it may be so required by the 1st respondent. Upon such deposit as directed above and furnishing an undertaking as above, the interim custody of the vehicle in question shall be given to the petitioner.

7. The writ petition is, accordingly, disposed of with directions as above and liberty is reserved to the respondents to proceed with the enquiry pursuant to the show cause notice in accordance with law. No order as to costs.

M. H. S. ANSARI, J

T. CH. SURYA RAO, J

Dt.18-01-2005

Note: Issue certified copy on priority basis.

B/O

Glv/skmr

Copy to:

1. The Assistant Secretary, Regional Transport Authority,
Hyderabad - East Zone.
2. The Motor Vehicles Inspector, Ibrahimpatnam, Ranga Reddy District,
Office at Karmanghat, Hyderabad.
3. The Station House Officer, Hayathnagar Police Station,
Hayathnagar, Ranga Reddy District.

4. Two CCs to the Government Pleader for Transport, High Court
Buildings, Hyderabad. (OUT).

5. Two CD copies.